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*Attorneys for Plaintiff
AXIS Reinsurance Company*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AXIS REINSURANCE COMPANY,

Plaintiff,

v.

TELEKENEX, INC.; ANTHONY ZABIT;
KAREN SALAZAR; BRANDON CHANEY;
DEANNA CHANEY; MARK PRUDELL;
JOY PRUDELL; MARK RADFORD; NIKKI
RADFORD; JOSHUA SUMMERS; JULIA
SUMMERS; IXC HOLDINGS, INC.;
STRAITSHOT COMMUNICATIONS, INC.;
STRAITSHOT RC, LLC,

Defendant.

Case No. 3:12-cv-02979-SC

**STIPULATION AND ~~PROPOSED~~
ORDER SETTING DEADLINES ON
PARTIES' SUMMARY JUDGMENT
MOTIONS AND REQUESTING
MODIFICATION OF TRIAL AND
DISCOVERY SCHEDULE**

WHEREAS, on June 8, 2012, Plaintiff AXIS Reinsurance Company ("AXIS") filed a Complaint in the above-captioned Case No. 3:12-cv-02979-SC and, on July 27, 2012, filed a First Amended Complaint.

WHEREAS, Telekenex, Inc., IXC Holdings, Inc., Anthony Zabit, Karen Salazar, Brandon Chaney, and Deanna Chaney (collectively, the "Telekenex Defendants") filed an Answer and Counterclaim on December 6, 2012, an Amended Answer and Counterclaim on December 28, 2012, and a Second Amended Answer and Counterclaim on April 24, 2013.

WHEREAS, under the current scheduling order, all discovery is to be completed by October 9, 2013, and trial is to commence on December 9, 2013. ECF Doc. No. 79.

1 WHEREAS, Plaintiff AXIS Reinsurance Company ("AXIS") has filed a motion for
2 summary judgment or partial summary judgment that has a hearing date currently scheduled for
3 September 27, 2013. ECF Doc. No. 109. Absent an extension of time, any response from
4 defendants is due September 6, 2013 and AXIS's reply is due September 13, 2013.

5 WHEREAS, the Telekenex Defendants represent that they are working on a cross-motion
6 for partial summary judgment to be filed on September 16, 2013 and they have requested from
7 AXIS an extension of their deadline for responding to AXIS's motion.

8 WHEREAS, AXIS and the Telekenex Defendants anticipate that the issues remaining in
9 this case for trial are likely to be substantially reduced or entirely eliminated as a result of the
10 aforementioned summary judgment motions.

11 WHEREAS, to maximize efficiency and to minimize the time and expense of discovery
12 and/or trial preparation that would be required under the timeframes in the existing case
13 management order but that may be rendered unnecessary as a result of the summary judgment
14 motions, the parties to this stipulation request a modification of the schedule as set forth below.

15 **STIPULATION**

16 NOW THEREFORE, it is agreed and stipulated that, subject to the approval and order of
17 this Court:

- 18 1. The Telekenex Defendants' deadline for responding to AXIS's pending motion for
19 summary judgment or partial summary judgment is September 16, 2013. AXIS's
20 deadline for filing a reply is September 30, 2013.
- 21 2. The Telekenex Defendants shall file their motion for partial summary judgment by
22 September 16, 2013. AXIS's deadline for responding to the motion will be September
23 30, 2013. Telekenex's deadline for filing a reply will be October 7, 2013.
- 24 3. The current trial date of December 9, 2013 is vacated pending a ruling on the parties'
25 summary judgment motions. If the motions do not entirely dispose of this case, a new
26 trial date will be set at a scheduling conference following the Court's ruling on the
27 summary judgment motions.
28

4. The deadline for completing discovery is continued to a date that is 30 days after the Court issues its ruling on the aforementioned summary judgment motions.

Dated: September 3, 2013

Respectfully submitted,

TROUTMAN SANDERS LLP

By: /s/ Terrence R. McInnis

Terrence R. McInnis

Ross Smith

*Attorneys for Plaintiff and
Counterdefendant*

AXIS Reinsurance Company

Dated: September 3, 2013

Respectfully submitted,

KARR TUTTLE CAMPBELL

By: /s/ J. Dino Vasquez

Jacquelyn A. Beatty *admitted Pro Hac
Vice*

J. Dino Vasquez

*Attorneys for Defendants and
Counterclaimants*

Telekenex, Inc., IXC Holdings, Inc.,
Anthony Zabit, Karen Salazar, Brandon
Chaney, and Deanna Chaney

Filer's Attestation: Pursuant to Local Rule 5-1(i)(3) regarding signatures, Terrence R. McInnis hereby attests that concurrence in the filing of this document has been obtained.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 09/04/2013

UNITED STATES

